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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,666	01/24/2002	Wolfgang Billinger	P67552US0	8422

136 7590 07/15/2003

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WASHINGTON, DC 20004

EXAMINER
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HOLZEN, STEPHEN A

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/053,666

Applicant(s)

BILLINGER ET AL.

Examiner

Stephen A. Holzen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/12/03 have been fully considered but they are not persuasive. The applicant asserts that gluing and bolting are not known equivalents. The examiner however respectfully disagrees. The examiner contends that both gluing and bolting are equivalent means for their use in the "attachment" art. The examiner used the Padden reference not to reject the applicant's claims over the gluing or bolting structure, but to reject the claims referring to an indentation provided in said movable part. The applicant did not provide any arguments to traverse such a rejection. Claims 15 - 28 have been rejected on the same grounds as the previous claims 1-14.
2. The examiner acknowledges the cancellation of claims 1-14 and the addition of claims 15-28. Claims 15-28 are currently pending before the Office.

### ***Claim Rejections - 35 USC § 103***

- 3 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
- 4 Claims 15-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art disclosure in view of ordinary skill in the art.

Re - Claim 15: The applicant's prior art disclosure teaches at least one fitting and a movable part. The applicant does not disclose as prior art a fitting glued with a movable part. It would have been obvious to one having ordinary skill in the art at the time the invention was made to glue the fitting with the movable part since the examiner takes Official Notice of the equivalence of Gluing and Bolting for their use in the "attachment" art and the selection of any of these known equivalents to attach a fitting to a movable element would be within the level of ordinary skill in the art.

Re Claim 16, 17 and 23: The applicant's prior art disclosure discloses the claimed invention except for fitting and movable part compositions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use any material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In *Re Leshin* 125 USPQ 416.

Re - Claim 24, 25: The applicant has disclosed that it is prior art to use additional connecting means when attaching a fitting and a movable part together. Please see Figure 2 of the present application. The applicant teaches that multiple bolts/ screw or the like are usable to increase the strength of the connecting point. Therefore it would have been obvious to one having ordinary

skill in the art at the time the invention was made to use additional attachment means as taught by figure 2.

Re - Claim 18: The applicant has taught in the present application that the resin transfer molding method is well known. It would have been obvious to make this fitting with synthetic material according to the resin transfer molding method as disclosed on page 4 lines 23-34 of the present invention.

Re - Claims 19, 20: The applicant has disclosed these limitations are prior art in his prior art disclosure. It would have been obvious to use the claimed materials as taught by the applicant on page 4 lines 23+. Further it would have been obvious to use a reactive material sewed or woven in said carbon fabric, wherein said reactive material is nylon. Furthermore the applicant teaches all the working parts of the invention except for the material from which the invention is made. It would have further been obvious to one having ordinary skill in the art at the time the invention was made to select a specific material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

5 Claims 21,22,26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's prior art disclosure in view of Padden. Padden discloses that it is

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well known to provide an intonation, or recess or a top and bottom covering for arranging the fitting therein, for the purpose of increased structural support. It would have been obvious at the time of the invention to one having ordinary skill in the art to include the teachings of Padden into the applicant's prior art teachings for increased structural support.

- 6 Re - Claim 27: The applicant's prior art disclosure teaches at least one fitting and a movable part. The applicant does not disclose as prior art a fitting glued with a movable part. It would have been obvious to one having ordinary skill in the art at the time the invention was made to glue the fitting with the movable part since the examiner takes Official Notice of the equivalence of Gluing and Bolting for their use in the "attachment" art and the selection of any of these known equivalents to attach a fitting to a movable element would be within the level of ordinary skill in the art. The applicant's prior art disclosure discloses the claimed invention except for fitting and movable part compositions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use any material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In *Re Leshin* 125 USPQ 416.
- 7 Re - Claim 28: The applicant's prior art disclosure teaches at least one fitting and a movable part. However it has been concluded in the rejection of claim 27

that it would have been obvious to attach the pieces together. Thus it should be appreciated that these pieces are "integral" with each other (i.e. they are a complete unit, they are whole.) The applicant's prior art disclosure discloses the claimed invention except for fitting and movable part compositions. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use any material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In *Re Leshin* 125 USPQ 416.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4174.

sah  
July 1, 2003

*Charles T. Jordan*  
CHARLES T. JORDAN  
SUPERVISOR  
703-306-4159